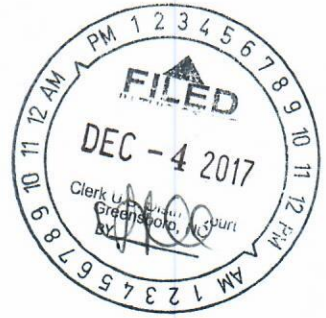


In the United States District Court
For the Middle District of North Carolina
Greensboro Division



United States of America
Plaintiff(s) / Respondent

v.

Brian David Hill
Defendant(s) / Petitioner

Criminal Action No.
1:13-cr-431-1

Civil Action No.
1:17-cv-01036

**FIFTH ADDITIONAL EVIDENCE DECLARATION IN SUPPORT OF
DOCUMENT #128, #128-1, AND 128-2 "BRIEF / MEMORANDUM IN
SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255
TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN
FEDERAL CUSTODY"" (DOCUMENT #125)**

**DECLARATION, ATTACHED EVIDENCE EXHIBITS IN SUPPORT OF
BRIAN DAVID HILL'S § 2255 MOTION**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am Brian David Hill, also known as Brian D. Hill, and am the Defendant in the Federal criminal case: United States of America v. Brian David Hill, Criminal Case No. 1:13-cr-435-1, in the United States District Court for the Middle District of North Carolina. I am the 2255 motion Petitioner under Civil Action No. 1:17-cv-01036. I write this Declaration with attached Evidence Exhibits proving that criminal Defendant Brian D. Hill had had been witness of and has evidence proving that the Assistant United States Attorney ("AUSA") named Anand Prakash Ramaswamy ("Ramaswamy") had presented a star-witness, a key-witness on the June 30, 2015 Supervised Release Violation (SRV) hearing. The only witness that had presented her

- claims of what had happened on April 28, 2015, which had led up to the “Petition for Warrant or Summons for Offender Under Supervision” (Document #88), then the “Warrant for Arrest of Supervised Release Violator” (Document #89), and then the “Warrant Returned Executed” on May 27, 2015 (Document #94). The witness’s name is none other than Kristy L. Burton, the United States Probation Officer (“USPO”) for the Western District of Virginia, in the Danville division. Judge Thomas D. Schroeder, who had presided over that particular hearing, had only seen limited evidence from the Defendant that had filed concerning document filings which may have or could have proved perjury beyond a reasonable doubt by the key-witness Kristy L. Burton. Since the Defendant was in Jail during the whole Supervised Release Violation proceedings in 2015, no real evidence could even be presented at all which would have forced Judge Schroeder to possibly punish or call forth for an federal investigation into USPO Burton for perjury (as may be under 18 U.S.C. § 1621 or 18 U.S.C. § 1623) and punish or call forth for an federal investigation into AUSA Anand Prakash Ramaswamy and/or Edward R. Cameron for Subornation of Perjury (as may be under 18 U.S.C. §1622),and maybe even Obstruction of Justice under Title 18 U.S.C. § 1519 by false information being put in an document, record, or entry inside of a Federal Government agency. I am not a lawyer but I believe that the U.S. Attorney collectively and USPO Kristy L. Burton may both have committed federal crimes with the evidence I have in my possession and the truth that I and other witnesses am aware of.
2. I am Brian David Hill, also known as Brian D. Hill, and am the Plaintiff in the Federal civil case: Brian David Hill v. Executive Office for United States Attorneys et al., Civil Case No. 4:17-cv-00027, in the U.S. District Court for the Western District of Virginia in Danville. I tie my civil case with my criminal case as interlinked with my 2255 motion as the civil case has over 400+ pages of filing which include newly discovered evidence in 2017 that could not have been discovered before my sentencing. I will also disclose evidence to the Court of what I could have filed but Eric David Placke had refused to present to the Court prior to my final sentencing. I file this Declaration type of Affidavit with the Court including my original signature as a sign of good faith and demonstrating factual evidence showing good cause for such action. I am INNOCENT of the charge in case: United States of America v. Brian David Hill, Case # 1:13-cr-435-

1, and in the U.S. District Court for the Middle District of North Carolina. Since my release from imprisonment, I have been continuously trying to prove my innocence but am being blocked by the Government as well as I have been blocked by John Scott Coalter. My due process was deprived forcing me into taking the guilty plea agreement under false pretenses, being misled by the Federal Public Defender office in Greensboro, North Carolina. I have Autism Spectrum Disorder ("ASD"), Obsessive Compulsive Disorder ("OCD"), Generalized Anxiety Disorder ("GAD"), and I have type 1 brittle diabetes ("diabetes mellitus" or "Type 1 diabetes"). I do not recognize the wrongful diagnosis of "delusional disorder" by Dr. Keith Hersh (See Document #23), since Placke had presented no evidence to prove any of my claims to Dr. Keith Hersh during my psychosexual evaluation in 2014, and I was not given an opportunity to review over my entire discovery evidence (that was acquired by Eric David Placke pertinent to pretrial discovery) prior to my false guilty plea on June 10, 2014. I had finally been able to review over the entire discovery evidence material on January 22, 2015 at John Scott Coalter's ("Mr. Coalter" or "Mr. Coalter's") office. However on that same day (Jan. 22, 2015) I and my family had no tools available at Mr. Coalter's office to play the confession audio CD with my family. Till this day my family had still not been able to review over the confession audio and neither were we given an opportunity to inspect the audio on an audio editing program like Audacity or any other sound wave editor or music editor to determine if the audio was altered to cover up what happened during the interrogation of myself on August 29, 2012.

3. This is also another element I believe which supports my claim of actual innocence, because the AUSA Ramaswamy bolstered the prosecution for the Supervised Release Violation hearing with a witness that had made a clear and convincing false statement or false statements under Oath before the U.S. District Court, which is a Federal Court, and such false statements were made in Federal case files concerning the Supervised release of Brian David Hill, which is myself. The Assistant U.S. Attorney Ramaswamy and the U.S. District Court (for each filing that was filed by the Clerk's office) had been warned in writing prior to the SRV hearing

on June 30, 2015, by myself as the criminal Defendant accused of violating my conditions of Supervised Release as stated in Document #88. The warnings I had made in writing, which of course the AUSA Ramaswamy receives a copy of via Notice of Electronic Filing ("NEF") under CM/ECF system, and I knew that when I was mailing documents to the Court when I was in Jail and at home that the AUSA was being electronically served by the Clerk's office via NEF. So the AUSA and the Court were warned with my Pro Se filed Declarations of facts I had raised, prior to being able to gather any real evidence after being released from Jail to being placed on Home Detention, that I knew USPO Kristy L. Burton had made false statements under Oath and/or to another Officer which may include but not limited to a Probation Officer, and/or that she had made a false material fact or facts upon the Court which helped led up to my Arrest.

4. In the Document #97 "NOTICE OF DETERIORATING HEALTH", I had written a letter to the Court giving them notice of my health deteriorating, stating on record that *"I guess I will receive more medical neglect type mistreatment just for trying to prove my innocence. My medical needs were not taken care of last time I was in jail but now it appears that it will happen again."* I also said *"I am a victim of these human rights abuses which are used to coerce false guilty pleas."* Further excerpt from Document #97, *"You can't just let people suffer in the County Jails. Even in jail I won't shut my mouth up because we have a first Amendment right to speak out about the abuses going on in the county jails being used in coercing defendants to falsely plead guilty. The only time I will ever shut my mouth up is when my conviction is overturned. I didn't violate Probation because I followed her (Kristy Burton) every order. She allowed me to text message for months. When she told me to not text message anybody anymore. I followed her orders. Text messages are NOT the same as the internet and email clients/servers. Texting just goes from one cell phone to another. The Probation violation charge appears to be harassment for my grandma sending a letter to my P.O., the Chief Probation Officer Philip Williams, and others. I believe the violation charge is RETALIATION for my faxes*

and letters to Congress and others, and for my family writing critical letters. P.S. My arrest didn't stop my complaints to the Judiciary committees, mom will send them".

5. In the Document #98 "DECLARATION ON PROBATION ISSUE", I had written a letter to the Court, stating on record that *"...which I feel is retaliation for my written complaints on faxes and letters, and for my Pro Se filings. On I think the day was April 28 or 29, 2015, my PO showed up out of the blue telling me that Judge Osteen called her and it was over my few text messages to Judge Osteen and over my filing with the Clerk of Court via SMS/MMS at least I assume that is what happened. She told me that day not to text message anybody anymore, even though she knew I was texting the month before, and anytime I get a questionable text message that I voluntarily turn it over to my PO to comply with my conditions."* (Citing Susan Basko's statement from Document #46 that what I did would be compliant with Title 18 U.S.C. § 2252A(d) Affirmative Defense which stated in one section that "reported the matter to a law enforcement agency and afforded that agency access to each such image". The U.S. Probation Office is technically a law enforcement agency and/or has law enforcement powers for supervising). Furthermore I stated in that declaration that *"That day I complied with her orders but threw a small fit because I was getting angry so I tried to leave the room but she ordered me not to leave the room. She doesn't understand my mental health issues and she doesn't understand that text messaging and online email are two totally separate things. Email uses internet but text messaging SMS/MMS are similar to faxes but both do not give internet access to the end user. When you hit send the message goes from the cell phone to the cell phone company through the provider's SMS/MMS gateway number, with no internet usage from the end user. I also asked former N.C. State Representative Glen Bradley and he disagreed with Judge Osteen's opinion on MMS claiming that it uses online services. I have no intent on violating Probation and texting does not use the internet for the end user of a cell phone. Go ahead and subpoena my family Osteen, and get the whole story. Roberta Hill my mother, my grandparents Stella and Kenneth Forinash, and even Glen Bradley, call every one of them up to the stand for my hearing before you wrongfully imprison me. My small fit didn't even harm her at all and she acted childesh over my small fit by walking out saying she is done. I apologized to her on her voicemail and in my fax to her. Faxes DO NOT use internet. SMS/MMS do not give*

internet access to the end user of cell phones. I feel that it almost seems like this new charge is to shut me Up and silence me to scare me into not overturning my conviction and to scare me from filing complaints out of fear of retaliation. I declare under penalty of perjury that the foregoing is true and correct."

6. That statement where Kristy L. Burton saying to me on April 28, 2015, "I am done" ("saying she is done"), and walks out of the home like she was upset with me and frustrated was what really happened at the end of her visit on April 28, 2015. She never acted scared and she never indicated to me and my family that was present that was she fearing for her safety. She and the Court misconstrued my Autistic behavior as a threatening gesture in Judge Schroeder's ruling, then forced me to go to Sex Offender Group Counseling when the whole incident was NOT EVEN SEXUAL, and I never done anything sexual to anybody in my life. I never molested anybody and I never raped anybody. The whole Court punished me over my Autism and allowed Kristy L. Burton to lie on the stand which is perjury. That is why I am filing this Declaration, to set the records straight, hope that the Court will punish USPO Burton for perjury, AUSA Ramaswamy and Edward Cameron with subornation of perjury or even Obstruction of Justice, and they should all be thrown in prison for breaking the law and making any false statements under penalty of perjury. So she was acting childish, she didn't appear to have accepted my apology back in 2015 and didn't offer to let me negotiate peaceably with her about changing mental health Counselors because Piedmont Community Services was treating me like some horrible sex criminal and lectured me about proving my innocence, and I got super angry and verbally upset every visit to the Counsel Kristen Patterson, and had started to hate her. This even led me to having more arguments and me getting angry around my family because the Counselor Kristen Patterson was making my behavior worse instead of better. I felt she had treated me like I was a criminal, like I was some horrible criminal and should accept responsibility as if I was really guilty and none of the evidence mattered concerning my innocence. That was because the crooked U.S. Attorney AUSA Ramaswamy doesn't want me to prove my innocence, wants to represent a false character straw-man image of me in front of the Court, deprive me of all due process, deprive me of effective Counsel, deprive me of appropriate medical care, and destroy

my life. Placke didn't even let me see my entire discovery so I had plead guilty without ever reviewing over all discovery pages. That was why I had made confusing statements in earlier Pro Se filings with the Court in regards to a "State crime lab report" when in reality there was no State Crime Lab report. So I was making assumptions and believing lies prior to my false guilty plea because Eric David Placke never even gave me a shot at winning my case and never went over all pages of my discovery as he claimed he would do. I had a good reason that I would feel angry at Kristen Patterson for lecturing me how guilty she acted like I was. USPO Burton also tried to weasel her way into talking with my Counselor and that was when she started acting more judgmental towards me making me want to kill myself and write a suicidal note, and made me even more at the time wanted to commit suicide. After that I had wondered and had speculation if there is any remote possibility of whether or not Kristy Burton had ever gone through child abuse decades ago which was why she had treated me like I was garbage on the side of the road and didn't care that I had wanted to prove my innocence. So now the Court knows why I had stopped seeing the Counselor and has pushed for seeing Preston Page another mental health Counselor, because I was starting to hate Kristen Patterson, anger filling me up every time I spoke with her because she kept lecturing me not to think that the cops were doing anything wrong and acted like I was guilty, telling me not to look into the details of my case when cops check and details for every criminal investigation case. I felt like I had to bring documents with me every time to prove to Kristen Patterson that she is wrong and I am innocent. So I was lectured about not to prove my innocence and to just accept being a Sex Offender for a crime that I was framed on. I had planned with my family in April to May 2015 to switch to Preston Page to be my next Counselor and warn him that the awful nasty woman Kristy L. Burton may try to talk him into hating me and treating me like I am guilty too, but she demanded that I go back to Piedmont Community Services and not be allowed to switch Counselors when Kristen Patterson was making me more angry, hateful, that I had even thought about suicide and hate which can lead to things such as Nazism and pure hate. Yes I admit at one point that I had lost hope and thought about suicide almost every day that I was on Supervised Release in earlier 2015, that I had started feeling enough hate to want to become a

political dictator to oppress my Oppressors by becoming a dictator, but my good nature and my good heart kept telling me not to become like my oppressors. I kept with my good heart despite the horrible feelings and torment I had felt every day since the Mayodan Police raid and my arrest. I felt like Obama wrecked America and used racism (race card) to bring corruption and criminals into the entire U.S. Justice Department and U.S. FBI by playing the (false) Messiah and the hundreds of photos I had personally saw of U.S. President Barack Obama being compared to Jesus Christ. I even saw Obama Messiah pictures and photos of Obama's face plastered onto Jesus Christ artwork type photos. My hateful thoughts of wanting to become a dictator of the United States made me feel ashamed and angry that I had felt this horrible hate and it started to tear my good nature apart because Kristy Burton kept badgering me as if I was the worst person on the planet for trying to prove my innocence. I felt like racism and the New World Order social engineering led to my wrongful conviction and being set up, because the child porn set ups in my opinion didn't happen as bad under George W. Bush, but under Obama the child porn witch-hunts and even censorship seem to have escalated meaning more innocent people will be sacrificed to John Walsh and his war on pedophiles. I felt that they don't care if innocent people that committed no crime was convicted along with the guilty, I had felt this anger and tense stress that was tearing me apart till I wanted to die. I have never been so much into hate until I had been wrongfully convicted, and as months had gone by being counseled by Preston Page, my hate started to slowly go away. My situation got better when I was assigned a new USPO. Again, all I had ever cared about was proving my innocence. When I was assigned a new Probation Officer Jason McMurray, he had acted more professional, acknowledged that he knew I was trying to have my conviction overturned, acknowledged that he believes I am innocent, especially since I had presented a pile of evidence papers to Radford Counseling Sex Offender Group counseling session in Martinsville, VA, and I had demonstrated to them that I am innocent, had ineffective Counsel so severe that I couldn't be allowed to prove my innocence because I was misrepresented, gave a false confession due to threats and/or coercion. Then Supervisory USPO Edward R. Cameron (Document #124) acted as though I had violated my Probation for simply declaring my innocence and my intent to prove my

actual innocence, what a horrible person Edward Cameron is. I shouldn't have felt hate for my bad situation because he was the one trying to make me suffer here along with Eric Placke, the town of Mayodan, the U.S. Attorney Office, and John Scott Coalter who also acted as if I were guilty, and Cameron should have went to prison for subornation of perjury, for presenting a false material fact to the Court under Document #88. If USPO Jason McMurray had not defended my stance of my actual innocence by allowing me to leave Radford Counseling for answering their questions with my actual innocence claims, if I had been forced once again to falsely admit to guilt, I likely would have committed suicide and written on the suicide note that the Court will not let me prove my actual innocence so I had to die for my innocence as I am sacrificed to John Walsh's witch hunt for what happened to his son Adam Walsh. However, thanks to USPO McMurray, and later thanks to Donald John Trump, I am still alive and kicking, and ready to overturn my wrongful conviction, to prove my actual innocence. Edward R. Cameron is horrible person that didn't care that I had always wanted to prove my innocence and that at one time I had almost cut my neck with a kitchen knife on December, 2013, all because of this horrible crap. Those people are cold as Nazis. They don't care how many innocent people they wrongfully convict and force to get Sex Offender Treatment type Nazi programs. It feels like a Nazi program to me when they force an innocent person to plead guilty and then be forced to join a Sex Offender Treatment Program. It is like forcing an innocent person to admit to guilty which forfeits their right to prove actual innocence. I felt like the SOTP programs are a Nazi type program when it forces an innocent person to admit to guilt for a crime that they did not do then forcefully medicate them. Almost like Hitler convicted me instead of a Court by the Federal Prosecutor, demanding that I tell the world that I like to molest children when that is a lie. I AM SICK OF IT. I believe Congress needs to abolish the mandatory Sex Offender Treatment Programs if they do not allow innocent people accused of sex crimes to prove actual innocence. I am only human here, and my Constitutional rights should matter to me and the Criminal Justice System. I shouldn't feel hate and I shouldn't feel like wanting to become a political dictator to feel not oppressed. It made me feel like I was a horrible person just for thinking thoughts like that. I need to not feel hate, misrepresented, and feel like

garbage all because I was framed with child porn. The Habeas Court should give me every opportunity of proving my actual innocence, and not block me like what happened with being appointed Eric David Placke as counsel. I want to prove my innocence, I want my life back, and I want to move on with my life and not be in a perpetual state of fear and hatred. Thanks to USPO McMurray and Counselor Preston Page, my hate is almost completely gone, and the more I prove my innocence the more I am feeling whole again instead of feeling like a slave every day. I am telling the Habeas Court my feelings in this paragraph because I am a person, my feelings matter, and proving my innocence isn't just my Constitutional right but is my salvation from the nightmare of my wrongful conviction. They need to know that denying a criminal Defendant a right to prove innocence is cruel and unusual punishment especially when it is a sex offense allegation. It is emotional and it can mentally damage somebody to be falsely accused of a sex crime and then not being allowed to prove actual innocence at all, it can damage somebody mentally. It almost damaged me completely but I survived the horrors of hell of the Sex Offender registry. Imagine a virgin and yet a sex offender for a possession crime that I was framed on.

7. In the Document #100 "MOTION FOR CASE DISMISSAL", I had written a letter to the Court stating on record that *"The Defendant files a MOTION with the Honorable Court to dismiss the "Petition for Warrant of Summons for Offender Under Supervision" as unfounded since such a basis for requesting revocation is with lies or false statements, a disregard for the truth, and is meant to cause distress to the Defendant."* Also stated that *"A Declaration is attached to this MOTION in support of, and is evidenced for the Probable Cause hearing. In addition to the testimony in Declaration by the Defendant, he also compels this Court and the U.S. Marshals to bring forth witnesses in support of this MOTION and for the Probable Cause hearing."* In Document #101, "DECLARATION by BRIAN DAVID HILL re: 100 Motion for Case Dismissal. (Attachments: # 1 Envelope)(Daniel, J) (Entered: 06/02/2015)", it said that *"I, Brian D. Hill, on May 28, 2015, discovered lies or false statements in PROB 12C Petition for Warrant of Summons for Offender Under Supervision (Filed April 29, 2015). First lie I discovered right off the bat was that I was allegedly accused of "failed to follow her instructions." The truth is her order/instructions was different then what she claimed on record for the summons. The*

Court shall be told the true story of what happened before the Probable Cause hearing before The Honorable Magistrate Judge Elizabeth Peake. She claimed she "visited Mr. Hill's residence to address his sending numerous documents to the Court to be filed in his case. The U.S. District Court Clerk's Office had directed Mr. Hill to cease this behavior, however he had not complied." That is a lie and untruthful statement. I misred the first phone call attempt from the Clerk, then when I called the clerk's office she informed me to only file via U.S. mailing and I agreed not to file documents using my cell phone's MMS. Only time I contacted the clerks office after that was to correct a misfiling or filing issue from my mailing and Joy Daniels agreed to correct her mistakes. She had this totally mixed up. When she told me to stop sending documents electronically via Multimedia messaging, I told her I agree and was understanding as the clerk will not accept any filings from me from cell phone MMS so doing such has no benefit. I am still permitted to file through mailings. What Burton is not even reporting was that I got upset after she told me in front of my family members Roberta, Stella, and Kenneth a different kind of order, that isn't even a condition on court record. She told me I can no longer text message anybody, not even my private lawyer Cynthia Everson while shes working on the 2255 Motion for my case. She told me I can still mail and make phone calls but not text message anybody even though I committed no crime with SMS/MMS text messaging. Also Probation had originally mandated Radford Counseling as required by the court, NOT Piedmont Community Services as I privately decided to get counseling under my Medicaid for a counselor from Piedmont. She forced herself into my private counseling. My counselor Kristen Patterson was not helping me at all and took the government's side (bias) so I attempted to seek a new mental health counselor to help me with the mental abuse and anguish caused by the Government. Kristy was controlling what mental counselor I could see at Medicaid's expense. Burton is also aware that I have proof, written/typed Proof of my confession statements on Aug 29, 2012 were false, then I learned from Radford counseling that my PO sent them a copy of my typed paper proving my 2012 confession in Mayodan PD to be false. She also did not mention about me being very apologetic. I sent her a fax and left two voicemails apologizing for cussing at her, then told her that I will no longer text message anybody anymore as she ordered and told her I will follow her orders, and that what happened will never happen again, I promise.

My mother using rbhill67@yahoo.com emailed Kristy also apologizing. Then my grandma typed up a letter to Ms. Burton and showed her proof of my Medicaid waiver then sent copies to Piedmont Community Services, Chief PO Philip Williams, and one to my private lawyer Cynthia Everson. Burton even approved of my faxed "Request to Travel" for visiting my granddad Mercer and step-grandma Kay Mann from Snow Camp, NC. I recall my mother emailing her about traveling on her birthday in May, and she APPROVED it. I also visited Piedmont Comm. Services to attend my appointment with the counselor on I think around May 20, 2015. Counselor Kristen Patterson can verify that I been attending counseling including in May. Kristen didn't seem too pleased either that Burton is forcing me to go there and meddling with their affairs. Burton's orders and actions are encroaching beyond just my terms and conditions of supervised release. Also my blood sugar was high at the time of the incident, and I was about to do my NovoLog insulin shot, but she showed up out of the blue. I got my insulin after she left."

8. There were other filings such as Documents #104, #105, #106, #108, and others. I had tried to warn the U.S. District Court and had also warned the U.S. Attorney Office by my filing of multitudes of Pro Se filings prior to the SRV hearing on June 30, 2015. That proves that I had warned the Court that USPO Burton was going to lie about a material fact in my case. Warning the Court that a witness from the Government was going to lie about something which may be perjury, then the Government presents that witness anyways is yet further proof that the U.S. Attorney office would lie about me in an instant to bolster their prosecution and prove their weak case against me. Under Document #111-1, which was a complaint to the U.S. Department of Justice, also declared under penalty of perjury, stated that *"Why would I be mandated to attend my private counselor when I was already required to attend radford Counseling? Because she knew that I was wrongfully convicted and attempted to overturn my conviction (Appeal 15-4057, 4th Circuit) so she attempted to protect the U.S. Attorney's wrongful and malicious prosecution when I am Innocent of the charge. (2.)USPO Burton claimed that "The U.S. District Court Clerk's Office had directed Mr. Hill to cease this behavior, however he had not complied." She was referring to the sending of documents to the Court through my Cellular Phone using Multimedia Messaging Service (MMS)(See Doc #87). I agreed with the Clerk to stop filing documents with my Cell Phone but I still have*

the right to file documents through U.S. Postal Service mailings. Burton lied on material fact since the Clerk directed me to file documents properly which I had agreed to already before I even saw USPO Burton on April 28, 2015. I even agreed with USPO Burton that I wouldn't send text messages with the court. Then she told me outside of my Release conditions that I cannot text message my friends nor my lawyer. I was told that I cannot text message anybody anymore. I DID comply with her order not to text message anybody anymore. My mother sent a text through my phone to Stewart Rhodes of OathKeepers.org, however I still sent no text message since USPO Burton ordered me so. I complied with the Clerk's Office, I complied with USPO Burton's orders not to text the court and not to text message anybody. (3.)USPO Burton claimed that I am a danger to the community yet she approved of my faxed "Request to Travel" in May 2015 to visit granded James Mercer and Kay Mann in Snow Camp, NC for my Mother's birthday."

9. The Court has clear and convincing evidence that I had warned both the U.S. District Court and the U.S. Attorney (due to each filing being served by the Clerk with the Government via CM/ECF system, Notice of Electronic Filing), and even went as far as writing a letter to Office of The Inspector General, U.S. Department of Justice, located at "950 Pennsylvania Ave., NW, Washington DC 20510." I will now show Exhibits proving that Kristy L. Burton lied about a material fact or had a disregard for the truth, and the U.S. Attorney presented such witness to bolster their prosecution against me for the Supervised Release Violation hearing. They were willing to have a witness to lie on the stand in open Court which is PERJURY and may also be OBSTRUCTION OF JUSTICE. She had technically broken the law in Federal Court and I will prove it in the Middle District of North Carolina as I further show actual innocence. The Government has no need to lie and present my false confession as if it were a genuine confession, if I were actually guilty. The Government does not need to present false information to the Court if I were actually guilty since they would already have the evidence of guilt to support such prosecution. When they prosecute an innocent person, they could lie and present false evidence. USPO Burton being allowed to lie in Federal Court, at an open court hearing, on June 30, 2015, shows that the U.S. Attorney was/is willing to allow perjury and bolster perjury for winning their case against me. THE FACTUAL INNOCENCE MATTER for this Declaration in support of my 2255

motion and brief, is that this element shows that the Government will use lies, that they are okay with perjury if it helps them win their prosecution of the case against me and make me look guilty deserving of punishment.

10. I agree to EXPAND THE RECORD if the Court requests that I file any further evidence with the Court to further prove my claims in this Declaration.
11. Attached hereto as Exhibit 1, is a true and correct copy of an Audio CD disc containing an audio phone call recording between me and the Federal Court Clerk's office in Greensboro, North Carolina, and the recording was made on July 29, 2015. A 1-page "NOTICE OF FILING PAPER OR PHYSICAL MATERIALS WITH THE CLERK" is also included to make a documented reference of such Audio disc for filing with the Clerk. Then a 3-page "Certified Phone Call Transcript" is a typed Transcript of that very audio recording inside the disc which proves that such recording was made. The Transcript allows the general public and all PACER/CM/ECF accounts or makes a written request to the Clerk for a copy of such record to read what was said in the audio recording. The phone recording proves that the Deputy Clerk Joy Daniel, that had issued the (See Document #78) "Letter to BRIAN DAVID HILL regarding proper filing of court documents. (Daniel, J) (Entered: 04/24/2015)", didn't direct the call to Kristy Burton as USPO Burton had claimed in her statements to the Court. I said to her that *"Okay cause you know I just wanted to hear from uh you that you know cause um cause somebody (referring to United States Probation Officer Kristy Burton without mentioning her name) claimed I didn't comply with the Clerk's Office request."* She said earlier in that call recording that *"Well that directive didn't come from me, that came from the Judge."* She didn't say anything in the call about contacting my Probation Officer, but instead said that it was directed from the Judge, not directed from the Deputy Clerk. Phone call recording is completely legal under 18 U.S.C. § 2511(2)(d) that under a one-party consent law, you can record a phone call or conversation so long as you are a party to the conversation. North Carolina's wiretapping law is a one-party consent law according to N.C. General Statute § 15A-287. Virginia is also a one-party consent state to record telephone calls according to Virginia Code § 19.2-62. The whole conversation shows that she did not contact Kristy Burton otherwise she would

have brought that up. This conversation proves that USPO burton did lie about that. The total number of pages for this Exhibit is 4 pages total and 1-audio-disc total.

12. Attached hereto as Exhibit 2, is a true and correct copy of a letter that I had received from Hubert J. Alvarez, Program Administrator, Program Oversight Branch, of the Probation and Pretrial Services Office (PPSO), dated July 14, 2015. The copy of this letter filed was excerpted from my VentaFax Log Book for all of my fax records. The image scan of the letter is from the original letter from the PPSO of the Administrative Office of the United States Courts, but I do not know where the original envelope/letter is at this time so the copy is all I've got as of right now. I marked it as a COPY and signed my name on the letter as dated November 30, 2017 for the purpose of this filing. This proves that the Administrative Office of the U.S. Courts did consider investigating Kristy L. Burton for the allegations of lying in Court which is perjury and is misconduct. The total number of pages for this Exhibit is 1 page total.
13. Attached hereto as Exhibit 3, is a true and correct copy of the (Part 1) 3-page fax transmission from 276-632-2599 to (434) 793-7968 concerning "I understand. I will follow your orders and I will not cuss at you. I know your just following orders like with the military. You have to enforce the corruption of the..." VentaFax reported to have sent the fax transmission around date: 4/28/2015 at the Time: 5:57:13 PM, and that is based on the computer's time clock so it can be authenticated by cross referencing the old telephone record of the provider at the time the fax transmission was sent. The time could be a little off since the Desktop does not use the internet at all and the FAX was locally transmitted via phone line, so it is not synchronized with the Windows time clock server. After the Fax Cover Page, It contains 2-page "LETTER TO U.S. PROBATION OFFICER KRISTY BURTON". Part 2 contains: a true and correct copy of the 2-page fax transmission from 276-632-2599 to (434) 793-7968 concerning a second "LETTER TO U.S. PROBATION OFFICER KRISTY BURTON", dated by VentaFax reported to have been sent around date: 5/2/2015 at the Time: 3:56:42 PM. No Fax Cover Page, It contains the second 2-page "LETTER TO U.S. PROBATION OFFICER KRISTY BURTON". There are two transmission tickets included. The total number of pages for this Exhibit is 7 pages total.

14. Attached hereto as Exhibit 4, is a true and correct reconstructed copy of my “Response to Clerk of the Court”, that is of my MMS message from the cell phone I had used to the Clerk’s office letting her know that I will be compliant with the Clerk’s office request. Stated that *“I understand what you are saying. I will file no more through your general clerk email. All future filings will be through U.S. mailing or hand delivery. However I'm sure it will be okay if I make a request for you then. I ask that you submit my MOTION on the computer forensic examination to the assignment of Judge William L. Osteen Jr. as soon as possible so he can rule on it. Thanks for filing Doc #76 and I am grateful that you allowed that and I understand I have to follow proper filing procedures and rules. I am Innocent and never should have been convicted so I am trying to seek Justice for the injustices done to me by the public defender office.”* It proves that I did contact the Clerk’s office through MMS text message dated “Sunday, April 26, 2015 or April 25, or 24” that I did say in writing or text message texting that I will comply with the Clerk in regards to their letter concerning proper filing with the Court.

Declaration Executed on August 12, 2015. Signed on November 29, 2017 for purpose of this filing. The total number of pages for this Exhibit is 1 page total.

15. Attached hereto as Exhibit 5, is a true and correct copy of a typed up note from witness Stella Forinash, in regards to what really had happened on April 28, 2015 at about 12:15 pm, in regards to USPO Kristy L. Burton visiting me over the few issues. This witness statement is not signed but the witness is willing to make a signed Affidavit of the same information in this typed note that is being filed with the Court, if the Court so requires. The total number of pages for this Exhibit is 1 page total.

16. Attached hereto as Exhibit 6, is a true and correct copy of the 6-page fax transmission from 276-632-2599 to (202) 502-4099 concerning “LETTER AND SMALL PORTION OF TRANSCRIPT TO PROBATION OVERSIGHT BRANCH OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS” VentaFax reported to have sent the fax transmission around date: 8/22/2015 at the Time: 3:38:58 AM, and that is based on the computer’s time clock so it can be authenticated by cross referencing the old telephone record of the provider at the time the fax transmission was sent. The time could be a little off since the Desktop does not use the internet at all and the FAX was locally transmitted via phone line, so it is not synchronized with the

Windows time clock server. After the Fax Cover Page, It contains 2-page "LETTER AND SMALL PORTION OF TRANSCRIPT TO PROBATION OVERSIGHT BRANCH OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS". There are one transmission ticket included, a 2-page letter directed to Hubert J. Alvarez, Probation Administrator, Program Oversight Branch, of the Probation and Pretrial Services Office (PPSO), in the Administrative Office of the United States Courts. It was CC'ed faxed to Attorney Renorda Pryor. The pages attached to the 2-page letter are of the first page (Doc #123, Page 1 of 84), 2nd page (Doc #123, Page 2 of 84), 27th page (Doc #123, Page 27 of 84), and 84th (Doc #123, Page 84 of 84) page of the June 30, 2015, 2:47 p.m. "TRANSCRIPT OF THE SUPERVISED RELEASE VIOLATION HEARING BEFORE THE HONORABLE THOMAS D. SCHROEDER UNITED STATES DISTRICT JUDGE" The total number of pages for this Exhibit is 7 pages total.

17. Attached hereto as Exhibit 7, is a true and correct copy of a printout of a 1-page email to my mother Roberta Hill from USPO Kristy L. Burton approving of my Request to Travel for May 14, 2015. Email dated around Wednesday, May 13, 2015 7:31 AM. This copy of that email printout was stored in Defendant's VentaFax Log Book pertaining to a FAX or FAXES that I, Brian David Hill, had sent to the U.S. Federal Bureau of Investigation in my complaint against Kristy L. Burton back in 2015. Roberta Hill disseminated the printout of that email which she received from USPO Burton after she realized that it was evidence which would further prove USPO Burton to being a liar in my case. The total number of pages for this Exhibit is 1 pages total.

I have filed all seven Exhibits proving my claim that USPO Burton had made false statements about her claims in regards to the following:

1. Document #123, Page 9 of 84, Anand Prakash Ramaswamy direct examined their key-witness at the SRV hearing on June 30, 2015, the conversation went like this, first with AUSA Ramaswamy saying "*Q. Did you know that anything was being sent to the ECF filing system through a TracFone?*" USPO Burton: "*A. I was made aware of that, yes, by the clerk and the U.S. Marshal Mr. Moore that documents were being filed from the*

TracFone.” The LIE by USPO Burton (See Exhibit 1 and Exhibit 5) was that the order came from the JUDGE, not from the Deputy Clerk as the phone call recording and her responses reveal. She had lied about where she got her order from under OATH, under PENALTY OF PERJURY. The order came from the JUDGE, AND THE Clerk issued the letter under Document #78 “regarding proper filing of court documents” and said nothing about demanding that Defendant not file ANY documents with the Court at all.

2. Document #123, Page 9 to 10 of 84, Anand Prakash Ramaswamy direct examined their key-witness at the SRV hearing on June 30, 2015, the conversation continued on with USPO Burton saying that *“I stood by the door and was talking to Mr. Hill originally about the text messaging. I brought – I said there were some issues that we need to discuss, and we spoke about the document texting to the Court, and I had been informed by the Court – or the clerk's office that they had told him to stop, but he had not stopped at that point. So I was directing him to cease that behavior. He indicated – he got very upset and indicated that he had already stopped that behavior. He received a letter from the clerk's office, and he was no longer doing that and started pacing and hit a couple of things off the nearby tables onto the ground.*” That is another LIE by USPO Burton. My last text message was indicating that I will follow their rules and be compliant with their rules (See Exhibit 4) stating in that Exhibit that *“I understand what you are saying. I will file no more through your general clerk email. All future filings will be through U.S. mailing or hand delivery.”* So I had already offered to comply days before USPO Burton even showed up. It seemed more likely that Judge William Lindsey Osteen Junior was angry about my declarations of anything to do with facts of my actual innocence and/or false guilty plea because he was already PARTIAL towards my guilt and he probably believed that Eric David Placke was the best lawyer I could ever have and thought I was guilty. Because that Judge was partial in violation of the U.S. Constitution, he didn’t wanted me to

declare my innocence prior to filing a valid Title 28 § 2255 motion. I did follow Judge Schroeder's advice of only filing something well-grounded in law but I am well grounding my 2255 motion in factual evidence basis with a ton of evidence Exhibits, as well as statute and/or case law. Osteen was biased in favor of ineffective Counsel Placke and he thought I was guilty as sin so I can see why he would retaliate against me and I feel sorry for him because the evidence can prove my actual innocence by proving my confession to be false and that child pornography had downloaded for 11 months while in law enforcement custody. Who would want to believe my innocence on that?

3. Document #123, Page 9 to 10 of 84, Anand Prakash Ramaswamy direct examined their key-witness at the SRV hearing on June 30, 2015, the conversation continued on with USPO Burton saying that *"And at that point, I said, you know, I will leave, and we can meet at the probation office to finish the discussion; and he said, no, I will be okay, I'm okay, or something to that effect, and I was, like, all right. I let him take a second and he stopped, and we continued the discussion about the documents and sending multimedia messaging. He was upset again. And we addressed in that conversation as well his need to go to an appointment with a psychiatrist through Piedmont Community Services, which he had canceled, and he told me that he didn't need that."* First of all I was already referred to Radford Counseling in Roanoke, VA for my (Nazi/Gestapo/Soviet/Communist style) programing Sex Offender treatment for a crime that I did not commit and I was honest with them when I told them I was innocent. USPO Burton didn't like the fact I was declaring my innocence, over and over again, and told Radford Counseling that I am working on the 2255 through Attorney Cynthia Everson which later turned out to be a disappointment when she didn't do anything effective for years. That was why my 2255 Motion was greatly delayed, due to relying on a private lawyer that did not do much or nothing to accomplish my actual innocence work. All she did was acted

like something was going to start but she had wasted my precious time and shot past the 1-year 2255 statute of limitations and she didn't even start the process of my computer being forensically examined by an independent expert due to issues. She couldn't even find the information of where my seized Laptop was stored at the N.C. State Bureau of Investigation. She was a great disappointment.

4. (cont.)USPO Burton misrepresented the way she said it. I told her after she told me that the Judge called her, she looked freaked out in front of me and my family, she told me that I needed to stop text messaging the Court, and I told her that I agree. Then she told me that I couldn't text message anybody anymore, not my friends, not my lawyer, nobody, and that was when I started freaking out and getting upset, then I tried to leave so that I wouldn't have a meltdown in front of her. Judge Schroeder was **IN THE WRONG** for claiming that I had threatened Kristy Burton because I tried to leave so that I wouldn't have the meltdown in front of her. USPO Burton ESCALATED THE SITUATION. She WAS ALREADY FREAKED OUT BY Judge Osteen calling her or talking to her which violates the ex-parte communication situations of the Uniform Code of Professional Conduct that Federal Judges are not supposed to be engaging in Ex Parte communication type of conduct in regards to a criminal case if I am correct about that, if I am right about that unless I am somehow wrong since I am not a lawyer. She didn't understand that I was looking for a new mental health Counselor and she had forced herself into my private counseling choices which of course made me feel like I wanted to be a dictator (theoretical government dictator) so that I could no longer be oppressed by the Government. I didn't have a Counselor like Preston Page which made me feel like a decent human being instead of feeling like an oppressed slave false sex offender criminal which made me feel hate and anger every single day of my life at that time. Counseling is supposed to make you feel better, not worse. I am not

guilty and felt like a slave due to being appointed Eric David Placke that acted like a prosecuting Attorney.

5. Document #123, Page 27 of 84, Attorney Renorda Pryor cross examined AUSA Anand Prakash Ramaswamy's key-witness at the SRV hearing on June 30, 2015, the conversation went like this, first with Renorda Pryor "Q. Okay. And so let's talk about April 28th. I believe you said you went to his home to advise him about sending documents to the Court per judge's order?" USPO Burton: "A. No. It was not per judge's order that I went to the home. I was contacted by the clerk's office and the marshals and was told that he was sending documentation electronically via MMS, multimedia messaging, and that they had directed him to stop doing that, but he had not done that. That's what I was there to address." That is a load of B*LLSH*T your Honor. Pardon my French and I will not verbally mention that word in Court, but this is a complete and total LIE. Again Exhibit 4, reveals that my last MMS message to the Clerk's office stated that I will follow their proper filing procedures that I will comply. My message under that Exhibit 4 stated that "I understand I have to follow proper filing procedures and rules." So I had already said in MMS text message to the Clerk's office that I will comply. What is wrong with the Probation Officer to lie this openly like she thinks I'm a moron from planet moron?
6. Document #88, Page 5 of 5, further false information was submitted in a Federal case document by the Supervisory U.S. Probation Officer Edward R. Cameron, was documented as stating that "*Mr. Hill does not appear to be a suitable candidate for voluntary surrender or release at a detention hearing as he is seen as a danger to the community.*" Exhibit 7, proves that USPO Burton had sent an email to Roberta Hill notifying her that USPO Burton had permitted Brian David Hill's "Request to Travel" for May 14, 2015 in Snow Camp, North Carolina. She had approved of that request to travel, as the email documented that she written the approval of such request to travel on May 13, 2015. Approximately 23 or

24 days after USPO Burton stated to Supervisory USPO Edward R. Cameron that Brian is somehow a danger to the community, she approves of a trip to go to Snow Camp, North Carolina. People who are usually a danger to society should have been detained/imprisoned/incarcerated immediately. USPO Burton pulled a stunt similar to the Town of Mayodan Police Department, where they made Brian David Hill feel that he weren't going to be arrested but secretly already had an Arrest Warrant for Brian David Hill of this case and had planned to have me arrested on Friday the thirteenth (13th) symbolizing the same biblical historical day as the death or persecution of the Knights Templars. So yes she approved of a request to travel out-of-state which she considered to be okay for a "danger to the community", a horrible violent non-compliant extremist type of Probation Violator person that she acted like I was in this criminal case. Yeah I was compliant enough to apologize to USPO Burton and went to see Counselor Kristen Patterson on May 20, 2015. I was compliant enough to want to challenge her peaceably on my ability to text message my lawyer, my friends, you name it. Sarcasm: I was considered such a horrible danger to the community that USPO found it acceptable to approve of my request to travel out-of-state to Snow Camp, North Carolina, where I could have done anything as I must be such a scary guy that needed U.S. Deputy Marshals to come into my home while I'm taking a shower, point a Taser at me, and arrest me for false statements by USPO Burton. It is contradictory and a lie in a Federal Probation document filed with the Court to say that I am a danger to the community and yet a month later shed approve of my Request to Travel form for a day-trip to Snow Camp, North Carolina. People that are a danger to society don't get day-trip approvals as they may harm somebody. What USPO Burton and Edward R. Cameron had stated in 2015, was either perjury, subornation of perjury, and/or outright lies and deception in Federal case files. Putting false information and false testimony inside of Federal case files and

investigation files may be an Obstruction of Justice under Title 18 U.S.C. § 1519 pertaining to “makes a false entry in any record, document, or tangible object with an intent impede, obstruct, or influence the investigation or proper administration of any matter...” since the Supervisory USPO Cameron intended to have this contradictory and/or possibly false information inside of a federal court document with an intent to influence the Court to deprive me of all of my Constitutional rights under the adversarial system to prove my actual innocence to overturn my criminal conviction via a Section 2255 motion under Writ of Habeas Corpus. Calling me a danger to the community and yet allowing me to travel out of state which meant if my mother had needed to go to a gas station, I could go there and buy whatever snacks and drinks that I had wanted, and such a danger to the community should not be freely traveling at all if that were even remotely true. So USPO Burton had lied about me being a danger to the community. I had apologized to her via FAX and phone call voicemails. She knew that I was willing to follow my conditions of Supervised Release. She is a liar and the U.S. Attorney knew she had lied in Federal Court about certain material facts or things. She is a perjurer and/or has obstructed justice by making a false entry or persuading Supervisor USPO Cameron to provide an entry with false information inside of a Federal Probation document or record with an intent to deprive me under the color of law of my right or privilege to prove my actual innocence, and investigate my wrongful conviction so that I wouldn't feel suicidal enough to end my life. If I had been entirely blocked from proving my innocence, I would have committed suicide without hesitation. However I do have hope of either prevailing in this 2255 Motion or asking U.S. President Donald John Trump for a presidential pardon of Innocence. USPO Burton and USPO Cameron should both be investigated and possibly charged by a special counsel or by the newly confirmed and appointed U.S. Attorney Matthew G.T. Martin.

So Defendant in this case which is myself, Brian David Hill, has proven to the Court that USPO Kristy L. Burton had lied under Oath about the Clerk contacting her when me and Roberta Hill, Stella Forinash, and Kenneth Forinash all knew that she had been contacted by the Federal Judge William Lindsey Osteen Junior, in regards to my texted filings and/or texting with the Court. Because it may have violated the Uniform Code of Professional Conduct for a Judge to be involved in Ex Parte communication with my Probation Officer, Judge Osteen or USPO Burton had to cover up the truth by instead hat USPO Burton had to be making out as though the Clerk had contacted her about my filings instead of the Judge when that wasn't the truth. Regardless, the FACT of the matter for my 2255 motion is that the U.S. Attorney clearly was okay with USPO Burton lying on the stand which is perjury, the Court and the opposing Counsel were warned by my Pro Se filings with the Clerk while I was in Forsyth County Detention Center about USPO Burton lying about certain things. She lied to Edward R. Cameron which made a filing containing a false material fact which is subornation of perjury.

If I am wrong here the Court can tell me that, but I don't see how I am wrong here. I don't know how she would not have committed perjury here. The Judge gave the order, Kristy Burton told me in front of my family that the Judge contacted her. However she told the Court on June 30, 2015, that the Clerk contacted her about the filings. There are two different stories here but I do not feel that USPO Burton had told the truth. If I am wrong then the Judge can explain to me how I am wrong somehow, but I feel she had still lied under Oath, on the stand, which is technical perjury.

For the U.S. Attorney to have been warned by me that she was going to lie about that, is subornation of perjury, and should be proof to the Court that the U.S. Attorney was going to be okay with presenting false testimony on Court record. If they did this for the Supervised Release Violation hearing, then they clearly could have done this at the Jury trial had I not taken the guilty plea falsely? I bet a million dollars that AUSA Ramaswamy would have thrown the book at me and put liars on the stand in open Court had I not taken that plea agreement.

I have the evidence and there was more evidence I have but I feel I don't have the time nor do I have unlimited resources to present more evidence than what I am presenting in this Declaration. Kristy L. Burton is a liar, to my family she is a liar. She lied in open Court and we are willing to prove that, me and all of my family witnesses.

Anand Prakash Ramaswamy is okay with presenting a liar on the stand. If she is willing to lie about me in open Court then the U.S. Attorney is highly likely willing to put any liar on the stand in open Court for anything, Jury Trial, evidentiary hearings. That is dangerous to an INNOCENT MAN wanting to prove his innocence in open Court.

I recommend to the Habeas Court that every word, every action, and every claim by the U.S. Attorney be scrutinized and highly questionable at this phase in my criminal case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

December 1, 2017

Respectfully submitted,

Brian D. Hill

Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, VA 24112

Phone #: (276) 790-3505

U.S.W.G.O.

This FIFTH DECLARATION respectfully filed with the Court, this the 1st day of December, 2017.

Defendant also requests with the Court that a copy of this FIFTH Declaration be served upon the Government as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the U.S. Attorney office of Greensboro, NC and AUSA Anand Prakash Ramaswamy via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!